

REMARKS

I. Claim Rejections - §102 (Ravzi)

Reconsideration is requested of the Examiner's rejection of Claims 2-4, 9-12, 18-20, 25-28, 33 and 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,107,452 to Razvi. The Examiner relied on the Razvi reference for disclosing all the elements of independent Claims 38 and 39.

The Razvi reference discloses an electrical conductive pipe fitting that comprises numerous parts – body 11, grip ring 30, gasket 35, compression nut 24, stiffener 40, and electrically conductive collar 50. The purpose of the Razvi device is to connect adjacent plastic pipe segments, typically beneath the ground, with an electrically conductive liner that ensures conductivity of liners of adjacent pipe segments. Electrical conductivity is achieved with a machine screw 53 which extends through the body 11. Fig. 5; Col. 5, lines 53-57.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 38 discloses a combination device *for positioning and securing an electrical wire-carrying conduit to a remote supporting structure*, comprising:

a coupling member adapted to receive and support said conduit, said coupling member comprising a tubular member having at least one end, said end adapted to receive one end of said conduit, and *said tubular member having a wall containing an aperture facing said remote supporting structure*; and

a connecting member having opposite ends, one end of said connecting member securely engaging said aperture in said wall of said tubular member, *the opposite end of said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said conduit in a selected position.*

Similarly, Claim 39 discloses a combination device *for positioning and securing a pair of electrical wire-carrying conduits to a remote supporting structure*, comprising:

a coupling member adapted to receive and support said conduits, said coupling member comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of said pair of conduits, and *said tubular member having an aperture through said cylindrical wall into said interior space facing said remote supporting structure*; and

a connecting member having opposite ends, *one end of said connecting member securely engaging said aperture in said wall of said tubular member such that said end of said connecting member extends into said interior space to securely engage said ends of said conduits received in said coupling member, the opposite end of said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said pair of conduits in a selected position.*

The Ravzi reference fails to disclose, at least, the above elements shown in *bold and italics*. The purpose and construction of the device of the Ravzi reference is patentably different from the present invention. The present invention is a device that positions and secures one conduit to “a remote supporting structure.” Although the Examiner relied on machine screw 53 of the Ravzi reference as being the connecting member, the machine screw 53 is for a different purpose and fails to meet the limitations set forth in Claims 38 and 39, i.e., “to securely engage said remote supporting structure.” The machine screw 53 of the Ravzi reference is merely present to ensure electrical conductivity of the liners of the plastic pipe segments. Col. 5, lines 53-57. It is neither intended, nor could it be used, to position and support the pipe to a remote supporting structure, such as taught and claimed by Applicant. Also, the device of the Ravzi reference is intended to be used with pipes buried beneath the ground.

Similarly, there is no disclosure, teaching or suggestion in the Ravzi reference that the machine screw 53 of the Ravzi reference is positioned in the interior space to engage the ends of the conduits. Claim 39. The Examiner’s reliance on a separate component (via 50) to support

his position that machine screw 53 is extended into the interior space of the tubular member admitted that the screw 53 does not include such feature of the connecting member of the present invention. Therefore, the Ravzi reference fails to teach “each and every element” of Claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 2-4, 9-12, 18-20, 25-28, 33, and 37-40 are not anticipated by the Ravzi reference.

II. Claim Rejections - §102 (Eidelberg)

Reconsideration is requested of the Examiner’s rejection of Claims 3, 4, 19, 20, 33-35 and 37-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,892,136 to Eidelberg. The Examiner relied on the Eidelberg reference for disclosing all the elements of independent Claims 38 and 39.

The Eidelberg reference discloses an electrical coupling that utilizes a set screw 20/36 inserted into a tubular sleeve 12 to act as a stop member for two conduits 14 & 16 inserted into opposite ends of the sleeve 12. Fig. 2. The purpose of the screw 20/36 of the Eidelberg reference is to prevent the conduits 14 and 16 from passing through the sleeve 12.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 38 discloses a combination device *for positioning and securing an electrical wire-carrying conduit to a remote supporting structure*, comprising:

a coupling member adapted to receive and support said conduit, said coupling member comprising a tubular member having at least one end, said end adapted to receive one end of said conduit, and *said tubular member having a wall containing an aperture facing said remote supporting structure*; and

a connecting member having opposite ends, one end of said connecting member securely engaging said aperture in said wall of said tubular member, *the opposite end of*

said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said conduit in a selected position.

Similarly, Claim 39 discloses a combination device ***for positioning and securing a pair of electrical wire-carrying conduits to a remote supporting structure***, comprising:

a coupling member adapted to receive and support said conduits, said coupling member comprising an integral tubular member having a generally cylindrical wall surrounding an interior space and opposed axially aligned ends, each of said ends adapted to receive one end of one of said pair of conduits, and ***said tubular member having an aperture through said cylindrical wall into said interior space facing said remote supporting structure***; and

a connecting member having opposite ends, ***one end of said connecting member securely engaging said aperture in said wall of said tubular member such that said end of said connecting member extends into said interior space to securely engage said ends of said conduits received in said coupling member, the opposite end of said connecting member extending outwardly beyond said wall and adapted to securely engage said remote supporting structure, to securely hold and support said coupling member and said pair of conduits in a selected position.***

The Eidelberg reference fails to disclose, at least, the above elements shown in ***bold and italics***. The purpose and construction of the device of the Eidelberg reference is patentably different from the present invention. The present invention is a device that positions and secures one conduit to “a remote supporting structure.” Although the Examiner relied on set screw 20/36 of the Eidelberg reference as being the supporting member, the set screw 20/36 fails to meet the limitations set forth in Claims 38 and 39, i.e., “to securely engage said remote supporting structure.” The set screw 20/36 of the Eidelberg reference is merely present to acts as a stop member. Col. 2, lines 8-11. The Eidelberg reference does not teach, disclosure or suggest nor is the set screw 20/36 intended to position and support the conduit to a remote supporting structure.

Similarly, there is no disclosure, teaching or suggestion in the Eidelberg reference that the set screw 20/36 of the Eidelberg reference is positioned in the interior space to engage the ends of the conduits. Claim 39. The Examiner did not reference an element in the Eidelberg

reference to show one end of the connecting member extending into the interior space to engage and secure the conduits. The Examiner's excerpt in response to Applicant's last Amendment merely shows that the screw 20 extends into the bore and acts as a stop to conduits 14 and 16 such that conduits 14 and 16 touch the screw 20. There is no reference, disclose or suggestion that the screw 20 "securely engages" the conduits. Therefore, the Eidelberg reference fails to teach "each and every element" of Claims 38 and 39 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 3, 4, 19, 20, 33-35 and 37-40 are not anticipated by the Eidelberg reference.

III. Claim Rejections - §103(a) (Razvi and Howard)

Reconsideration is requested of the Examiner's rejection of Claims 5-8, 13-16, 21-24, and 29-32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,107,452 to Razvi in view of U.S. Patent No. 2,793,578 to Howard. The Examiner relied on the Razvi reference for disclosing all the elements of these claims except for a lock nut along the stem.

As discussed in §I, supra, the Razvi reference fails to disclose, teach or suggest all the elements of independent Claims 38 and 39. The Howard reference also fails to disclose, teach or suggest these elements lacking in the Razvi reference, i.e., a connecting member that "securely engage[s] said coupling remote supporting structure." Therefore, Claims 5-8, 13-16, 21-24, and 29-32, which are dependent from Claims 38 or 39, are not unpatentable over the Razvi reference in view of the Howard reference.

IV. Claim Rejections - §103(a) (Eidelberg and Howard)

Reconsideration is requested of the Examiner's rejection of Claims 5-8, 21-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,892,136 to Eidelberg in view of

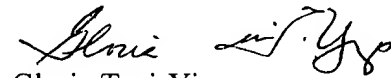
U.S. Patent No. 2,793,578 to Howard. The Examiner relied on the Eidelberg reference for disclosing all the elements of these claims except for a lock nut along the stem.

As discussed in §II, supra, the Eidelberg reference fails to disclose, teach or suggest all the elements of independent Claims 38 and 39. The Howard reference also fails to disclose, teach or suggest these elements lacking in the Eidelberg reference, i.e., a connecting member that “securely engage[s] said coupling remote supporting structure.” Therefore, Claims 5-8, and 21-24, which are dependent from Claims 38 or 39, are not unpatentable over the Eidelberg reference in view of the Howard reference.

V. Conclusion

By virtue of the Applicant’s amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance and such action is respectfully solicited.

Respectfully submitted,



Gloria Tsui-Yip
Attorney for Applicant
Reg. No. 42,188
STOLL, MISKIN & BADIE
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268-0900